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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/727,905 | 11/30/2000 | Charles Scott Roberson | CIS0080US | 3691 |

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EXAMINER

PHAN, MAN U

| ART UNIT | PAPER NUMBER |
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2619

| MAIL DATE | DELIVERY MODE |
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01/16/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/727,905

Applicant(s)

ROBERSON ET AL.

Examiner

Man Phan

Art Unit

2619

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 56, 58-62, 64-68 and 70-72 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 56, 58, 60-62, 64, 66, 67-68, 70, 72 is/are rejected.
- 7) ☒ Claim(s) 59, 65 and 71 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This communication is in response to applicant's 11/14/2007 Amendment in the application of Roberson et al. for a "Method and apparatus for transporting network management information in a telecommunications network" filed 11/30/2000. This application claims priority from provisional application 60/199,591 filed 04/25/2000. This application is a Request for Continued Examination (RCE) under 37 C.F.R. 1.114 filed on November 11, 2007. The amendment and response has been entered and made of record. Claims 57, 63, 69 have been canceled per Applicant's request, and claims 56, 61, 62, 67, 68, 70-72 have been amended. Claims 56, 58-62, 64-68, 70-72 are pending in the application.

2. The applicant should use this period for response to thoroughly and very closely proof read and review the whole of the application for correct correlation between reference numerals in the textual portion of the Specification and Drawings along with any minor spelling errors, general typographical errors, accuracy, assurance of proper use for Trademarks TM, and other legal symbols @, where required, and clarity of meaning in the Specification, Drawings, and specifically the claims (i.e., provide proper antecedent basis for "the" and "said" within each claim). Minor typographical errors could render a Patent unenforceable and so the applicant is strongly encouraged to aid in this endeavor.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

5. Claims 56, 58-62, 64-68, 70-72 are rejected under 35 U.S.C. 103(a) as being unpatentable over Thrysoe (US#6,574,238) in view of Upp et al. (US#4,967,405).

With respect to claims 62, 64, 66, Thrysoe discloses a system and method of transporting frame information across a network, comprising: placing payload information from a first frame into payload locations of a second frame, the first frame associated with a first network having a first protocol, the second frame associated with a second network having a second protocol (See

Fig. 1 and Col. 1, lines 35-40; Col. 2, lines 12-17). Thrysoe discloses data frames being exchanged between local area networks using an inter-switch link, where the inter-switch link receives encapsulated native LAN data frames, where the payload segment in the received data frame is an encapsulated Frame; placing overhead information from the first frame into payload locations of a payload for the second frame (Thrysoe, Col. 2, lines 12-17, and Col. 5, line 45 through Col. 6, line 10). Thrysoe further teach including wherein a consistent frame format is used by modifying overhead bytes.

However, Thrysoe does not explicitly state wherein the means for receiving a plurality of time slots and cross connecting the time slots. In an analogous art of processing signals in SONET format. In the same field of endeavor, Upp et al. (US#4,967,405) discloses a virtual tributary cross-connect module which cross-connects virtual tributary payloads in space, time, and phase to generate new substantially SONET formatted signals; a wide band cross-connect module (Col. 2, lines 52 plus).

Regarding claim 67, Upp et al. (US#4,967,405) further discloses in Fig. 2b block diagram of the receive side of the scrambler/descrambler SONET24/3 mux/demux component, in which input buffer 280 stores the incoming data and retransmits it to a descrambling means 282 (Upp, col. 2, lines 19-25 and Col. 9, lines 24 plus).

Regarding claims 56, 58, 60, 61, they are method claims corresponding to the apparatus claims 62, 64, 66, 67 above. Therefore, claims 56, 58, 60, 61 are analyzed and rejected as previously discussed with respect to claims 62, 64, 66, 67.

Regarding claims 68, 70, 72, these claims differ from claims Thrysoe in view of Upp et al. in that the claims recited a computer program product for performing the same basis of steps

and apparatus of the prior arts as discussed in the rejection of claims 56, 58, 60, 61 and 62, 64, 66, 67 above. It would have been obvious to a person of ordinary skill in the art to implement a computer program product in Thrysoe in view of Upp et al for performing the steps and apparatus as recited in the claims with the motivation being to provide the efficient enhancement to the throughput of the network management information exchanged between network elements, and easy to maintenance, upgrade.

One skilled in the art would have recognized the need for effectively and efficiently transporting network management information between network elements, and would have applied Upp's non-blocking system for cross connecting high speed digital SONET signals into Thrysor's novel use of frame-based communications link used to interconnect two or more network elements. Therefore, It would have been obvious to a person of ordinary skill in the art at the time of the invention was made to apply Upp's system for cross-connecting high speed digital SONET signals into Thrysoe's inter-switch link header modification with the motivation being to provide a method and system for transporting a variety of native frame types including SONET format for the benefit of providing management information between network elements.

Allowable Subject Matter

6. Claims 59, 65, 71 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is an examiner's statement of reasons for the indication of allowable subject matter: The closest prior art of record fails to disclose or suggest the steps wherein

receiving a plurality of incoming time slots; sequentially writing the incoming time slots into a plurality of input buffers; randomly reading a plurality of outgoing time slots from the input buffers; and outputting the outgoing time slots, as specifically recited in the claims.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

The Cantwell et al. (US#6,370,155) is cited to show the high density unit shelf network interface card and method.

The Barker et al. (US#6,363,421) is cited to show the method for computer internet remote management of a telecommunication network element.

The Read et al. (US#5,781,527) is cited to show the integrated multi fabric digital cross connect integrated office links.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Phan whose telephone number is (571) 272-3149. The examiner can normally be reached on Mon - Fri from 6:00 to 3:00.

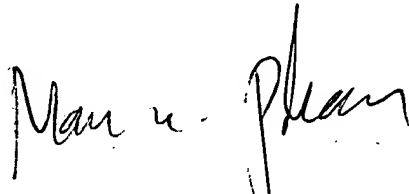
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel, can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-2600.

9. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have any questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at toll free 1-866-217-9197.

Mphan

Jan. 13, 2008



MAN U. PHAN
PRIMARY EXAMINER